

COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on August 15, 2003. At the time the Examiner mailed the Office Action claims 1 – 85 and 87 – 140 were pending. By way of the present response the Applicant has: 1) amended claims 1-3, 6-17, 22-28, 31-34, 40-43, 46-48, 53-69, 70, 73-75, 83-85, 87-90, 94, 104-106, 115, 118, 121-128, and 130-138; and, 2) canceled claims 19 – 21, 36, 49, 139. As such claims 1 – 18, 22 – 35, 37 – 48, 50 – 85, 87 – 138 and 140 are still pending. The Applicant respectfully requests reconsideration of the present application and the allowance of claims 1 – 18, 22 – 35, 37 – 48, 50 – 85, 87 – 138 and 140.

The Examiner has objected to claims 31, 70, 73, and 83 because of the presence of a colon (":") and, according to the Examiner, "following [after a colon] there should be a list of items/steps". See, Examiner's Office Action response mailed 8/15/03, pg. 2. The Applicant respectfully submits that the present status of the claims is as follows: 1) claim 31 includes a list of items following the colon; 2) claim 70 has been amended to delete the colon; 3) claim 73 has been amended to include a list of items following the colon; 4) claim 83 has been amended to delete the colon. In light of the present condition of claims 31, 70, 73 and 83 the Applicant respectfully submits that these claims are in proper format.

The Examiner also objected to the duplication of the word "the" in claim 32. The Applicant has stricken the additional "the" in claim 32. As such, the

Applicant respectfully submits that the basis for the Examiner's objection to claim 32 has been removed.

The Examiner rejected to claims 1, 25, 41, 54, and 115 under 35 USC 112, second paragraph for failing to particularly point out and distinctly claim their corresponding claimed subject matter. Specifically, the Examiner stated that "it is not clear what is to be processed by one of the plurality of DSPs". See, Examiner's Office Action mailed 8/15/03, pg. 3. In response the Applicant has amended each of claims 1, 25, 41, 54 and 115 to make it clear that the type of data that a DSP is to process is determined; and, the DSP executes software as a consequence of the determination. In light of these amendments the Applicant respectfully submits that the basis for the Examiner's rejection under 35 USC 112 has been overcome.

The Examiner objected to claim 139 stating that claim 139 would be allowable if rewritten in independent form. In response, the Applicant has amended base claim 130 so as to include language originally recited by claim 139. The Applicant respectfully submits that claim 130 is presently allowable and thanks the Examiner for the decision to find claim 139 as covering allowable subject matter. OK

The Examiner rejected each of independent claims 1, 25, 41, 54, 69, 83, 90, 115 and 130 under 35 USC 102(e) as being anticipated by US Patent No. 6,052,154 (hereinafter "Macrae"). "To anticipate a claim, the reference must teach every element of the claim" MPEP 2131. The Applicant respectfully submits that Macrae fails to disclose each and every element of the Applicant's

independent claims at least because each of the Applicant's independent claims recite the broadcasting of software routines; and, Macrae fails to disclose the broadcasting of software routines.

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It should be readily apparent that each of the Applicant's independent claims recite the broadcasting of software routines (See, claim 1 "continuously broadcasting a plurality of algorithms embodied as software routines toward a plurality of DSPs"; claim 25 "a plurality of algorithms embodied as software routines are continuously broadcasted"; claim 41 "a plurality of algorithms embodied as software routines are continuously broadcasted"; claim 54 "a plurality of continuously broadcasted software routines for a plurality of algorithms"; claim 69 "broadcasting a plurality of software routines that the DSP is capable of executing"; claim 83 "continuously broadcasting a plurality of software routines representative of a plurality of algorithms that can be executed by a DSP"; claim 90 "broadcasting a plurality of software routines that can be executed by the DSP"; claim 115 "continuously broadcasts a plurality of software routines"; claim 130 "from a plurality of continuously broadcasted software routines").

Macrae simply fails to disclose the broadcasting of software routines. Macrae only discloses the broadcasting of "television schedule and episode, news, sports and other information". Moreover, Macrae's use of the word "programs" is clearly meant to mean a show or performance (e.g., "a television program"). As such, the programs of Macrae are clearly not meant to be


software programs but instead to mean television shows and the like; and, as a consequence, Macrae fails to disclose the broadcasting of software routines.

Therefore each of the Applicant's independent claims are allowable; and, therefore, the Applicant respectfully requests the allowance of all claims.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

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